



11/2/03

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Walter E. Dewolf

Art Unit: 1652

Serial No: 10/009,219

Attorney Docket No. IPT-061.01

Filed: November 7, 2001

Examiner: D. Steadman

For: *Methods of Using Fab I and Compounds
Modulating Fab I Activity*

Certificate of First Class Mailing

I hereby certify that the instant "*Response to Restriction Requirement*" is being deposited on the date set forth below with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 25, 2003

Date of Signature and Mail Deposit

By:

Kristen Willett

Kristen Willett

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the outstanding Restriction Requirement of July 25, 2003, Applicants provisionally elect, with traverse, Group I, claims 1-10. However, it is respectfully submitted that examination of all claims simultaneously would place no undue burden on the Examiner. The Applicants respectfully point out that examination of the claims of Group II (claims 1-8), Group III (claims 11-13, 16, and 17), and Group IV (claims 14 and 15) necessarily entail a search of the subject matter of Group I, and therefore submit that the examination of Groups I, II, III, and IV together present no significant burden over the examination of Group I alone.

For a restriction requirement to be valid, the Examiner must establish that the search and examination of the entire application cannot be made without serious burden (M.P.E.P § 803). Accordingly, Applicants respectfully request examination of all claims simultaneously.


Further, the Applicants, with traverse, respectfully elect the species of **Group a** as required by 35 U.S.C. § 121. Applicants provisionally submit that claims 1-10 read, at least in part, on the species elected. The Applicants expressly reserve the right to prosecute species not elected herein in other patent applications claiming the benefit of the filing date of this application. Furthermore, the Applicants understand that upon allowance of a generic claim, they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of any allowed generic claims.

Any questions raised by this submission may be directed to the undersigned at (617) 832-1770. The Commissioner is hereby authorized to charge any underpayments, or credit any overpayments, to our **Deposit Account No. 06-1448**.

Respectfully submitted,
FOLEY HOAG

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September 25, 2003
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